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C O N F I D E N T I A L SECTION 01 OF 03 BAKU 000790

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TAGS: [PGOV](#) [KDEM](#) [PHUM](#) [PREL](#) [AJ](#)

SUBJECT: 3 MONTHS AND COUNTING: JAILED BLOGGER CASE DRAGS ON

REF: BAKU 742 AND PREVIOUS

Classified By: Political-Economic Counselor Robert Garverick, Reasons 1
.4 b and d.

11. (C) Summary: On September 18, 29 and October 1 three more hearings were held in the trial of jailed youth activists Emin Milli and Adnan Hajizade (reftel). The defense lawyers continued to question prosecution witness intensely, while state prosecutor Jeyhun Kazimov continued to object forcefully and largely unsuccessfully to every motion made by the defense. Judge Araz Huseynov showed glimpses of impartiality throughout the contradictory and sometimes angry testimony, although it is impossible to predict the fairness of his eventual verdict. The next hearing will be held October 7, and the trial will likely continue into the following week. End Summary.

SEPTEMBER 18 * RESTAURANT EMPLOYEES CAN'T REMEMBER MUCH

12. (C) On September 18 the second alleged victim Babek Huseynov continued his testimony, interrupted at the previous hearing (reftel). The defense lawyers questioned Huseynov intensely, and he seemed to cave under the pressure, at one point saying he did not have a higher education and therefore could not answer the questions. Milli and Hajizade directly questioned Huseynov, which seemed to further confuse him - he then claimed Hajizade hit him and then Hajizade somehow fell and hit his nose on the table, leading to it breaking - a rather implausible scenario.

13. (C) The prosecution then called four different people to testify who all claimed to work at the Lebanese restaurant where the incident happened. The first said he was not there during the actual fight, but came to the restaurant later and saw lots of damage to the restaurant, although he could not put a monetary figure on this damage. Dashgin Abbasov, who said he parks cars outside the restaurant, testified that he heard a scuffle and called police to the scene. He first claimed the police cars came from the direction of Fountain Square, but when it was pointed out that the street was a dead end in that direction, he changed his testimony to state that the police car was already parked on the street. A woman named Gulshan testified that she was the waitress that night, and once the fight broke out she hid in the kitchen until it was over. She seemed terrified, and answered "I don't remember" to nearly every question. Finally an older man named Rizvan testified that his son worked at the restaurant, and therefore he was there the night of the incident. He claimed that Milli and Hajizade started the

fight. When the defense lawyers questioned him further, he got angry and yelled that the lawyers were asking him ridiculous questions and he would not answer. Significantly, the judge intervened and made the man answer.

SEPTEMBER 29 * POLICE AND BLOGGERS' FRIENDS GIVE OPPOSITE TESTIMONY

¶4. (SBU) On September 29 the trial continued, this time with more chairs for observers to use, although many youth and media representatives still had to wait outside the courthouse. Araz Kerim oglu Allahverdiyev testified that he was the cook at the restaurant on July 8, and when Gulshan (waitress) came to the kitchen to say there was a fight, he exited the kitchen and grabbed one man to stop him from beating another on the floor. During the defense questions, he could not say which man he grabbed or what the man was wearing or even whether he was large or small (NOTE: the alleged "victim" Vusal Mammadov is quite large; Milli and Hajizade are both of slighter stature. END NOTE.)

¶5. (C) Three police officers, Zahid Dashdamirov, Bashir Bashirov, and Eldar Gasimov (born March 1977) from the Post Patrol Xidmeti (i.e. beat police officers) all testified that they came to the Lebanese Restaurant when they heard about a fight. They claimed there were 6-7 people there when they arrived, and they took Milli, Hajizade, and friend Orkhan Gafarov to police station #9 in their patrol car. (NOTE: The youth activists claim, and the Embassy believes to be true, that they went to police station #39 on their own accord

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after the fight to register a complaint, and then were taken by the police to station #9 where they were arrested. END NOTE.) The policemen testified in uniform, but presented somewhat unconvincing testimony, often resorting to an "I don't remember" answer. At one point Dashdamirov seemed to slip up, saying he signed a report on the incident that was already written for him.

¶6. (SBU) The defense then began calling their witnesses, starting with the other youth activists who were eating dinner with Milli and Hajizade. The first was Parviz Atayev (born 1985), a research economist at a marketing company and a member of the Azerbaijan Youth Platform, a very active youth group. Unlike the prosecution witnesses, Atayev gave a long testimony without prompting from any of the lawyers, laying out the entire story of the evening. He explained that the group was discussing education in Azerbaijan when Mammadov and Huseynov came to their table and started cursing. Mammadov then head-butted Milli and struck Hajizade with his fist. Atayev first ran outside to call the police, and when this was unsuccessful went with Milli and Hajizade to the 39th police precinct. Next Orkhan Gafarli, head of the Azerbaijan Youth Platform testified. He told the same story as Atayev regarding the fight and the trip to police station #39. Lawyer Isakhan Ashurov showed Gafarli pictures of Milli and Hajizade injured, and Gafarli confirmed that the pictures were taken at police station #39. The prosecution strongly objected to the photo evidence.

OCTOBER 1 * PHOTOS TELL THE STORY

¶7. (SBU) The defense called several policemen as witnesses when the trial resumed 1 October. The first, Farid Huseynov, said he was the duty officer on July 8 at police station #39. He testified that he never saw Milli and Hajizade on that evening, but when lawyer Ashurov showed the pictures of Milli and Hajizade at police station #39, Huseynov confirmed the location. After Huseynov left the stand, the prosecutor once again objected to these pictures, demanding a forensic expert confirm their authenticity before they can be submitted. After showing the judge the time stamp on the photos, the defense lawyers reminded him that they had

already submitted a motion to call a forensic expert, and it had been denied. The judge then agreed to call the forensic expert.

¶18. (SBU) Rovshan Huseynov, another police officer in plainclothes, then testified that he was on duty at police station #9 on July 8, and saw 5 people being delivered to the station, but did not give any important information. Similarly, Murad Salimov, again not in uniform, testified that he was on duty at station #39, but did not see Milli or Hajizade. He did describe police station #39, including a water tap in the garden which can be seen in the photos.

¶19. (SBU) Three more friends of Milli and Hajizade then testified. Nuraddin Babayev gave the same account of the fight, then testified that he went outside to look for police but could not find any. He then joined the group at police station #39, where he helped treat Milli's injuries. Bahram Ahmadli also described the fight in the restaurant similarly, under harsh questioning from prosecutor Karimov. Ahmadli also stated that he went back to the restaurant to pay for the meal and get possessions left by Milli and Hajizade. Finally Ulvi Hasanov gave again the same account of the fight, again under harsh questioning from the prosecution. In the middle of this testimony the official court videographer left to take a cell phone call, leaving the proceeding unrecorded. Hasanov added that when he went back to the restaurant to pay, police were there and arrested him. They took him to police station #9, but let him go after a few minutes without taking his testimony.

COMMENT

¶10. (C) Through all of this long, contradictory, and sometimes angry testimony, the evidence seems to be on the side of Milli and Hajizade. However, the GOAJ has put together enough police officers to testify against the two young men to allow the judge to rule against them. State

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prosecutor Jeyhun Kazimov continued to object forcefully, although largely unsuccessfully to every motion made by the defense. Kazimov is the same prosecutor who pushed through the conviction of opposition journalist Ganimat Zahidov, despite a lack of real evidence, and local observers who were also at that trial repeatedly mention many similarities. Judge Araz Huseynov showed glimpses of impartiality throughout the hearings, although it still remains unclear whether he will issue a final verdict fairly. The trial continues October 7 and will likely stretch into the following week.

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